

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

UNITED STATES OF AMERICA

CASE NO. 6:12-cr-00024

vs.

JUDGE FOOTE

ERIC MICHAEL MANUEL

MAGISTRATE JUDGE HILL

MINUTES OF HEARING AND A MEMORANDUM RULING

The Court held a telephone hearing on the Motion for Pretrial Release filed by the defendant on April 18, 2012. [Record document 32]. Present were Randall P. McCann, counsel for the defendant and John Luke Walker, counsel for the government.¹

Counsel for the government acknowledged that the factual allegations contained in the motion were true. The government nonetheless opposed the motion for pretrial release arguing that no condition or combination of conditions were sufficient to safeguard the community given the prior conduct of the defendant.

The Court has previously entered an Order of Detention in this case. [Record document 14]. The Bail Reform Act provides that the detention hearing may be reopened if information exists that was not known to the movant at the time of the hearing. Clearly, the physical condition of the defendant has materially changed since detention was ordered by this Court. Furthermore, the defendant's physical condition is one of the factors to be considered by the Court in determining whether or not a defendant should be detained or released on conditions.

¹ statistical time 20 mins

Given the serious medical condition of the defendant, given the fact that he is highly contagious and further given the fact that his parents, who the Court finds to be reliable, are available to serve as third-party custodians, the Court will enter an Order setting conditions of release. Furthermore, the court will confirm, on the record, that the defendant's parents fully understand their obligations as third-party custodians.

If and when the defendant is no longer ill, and no longer contagious, the government will be free to again move for detention; if the government does so, the Court will set a hearing on the government's motion.

For the above reasons;

IT IS ORDERED that the motion of the defendant for release is **granted**. The defendant will be released on terms and conditions set by the Court in the Order of Release which will be entered herein.

April 18, 2012, Lafayette, Louisiana.


C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE